

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 Case No.: 3:23-cv-00291-ART-CSD

4 TERON FRANKLIN,

5 Plaintiff

6 v.

7 STATE OF NEVADA, et al.,

8 Defendants

Order

Re: ECF No. 14

9 Plaintiff, who is a prisoner in custody of the Nevada Department of Corrections (NDOC),
10 has filed a first amended civil rights complaint (FAC) pursuant to 42 U.S.C. § 1983.

11 District Judge Traum screened Plaintiff's complaint and allowed him to proceed with the
12 following claims: (1) an Eighth Amendment failure to protect claim against Walsh, Hartman,
13 Gittere, and Hughes based on allegations they falsely labeled Plaintiff as a child molester which
14 resulted in his being attacked multiple times by other inmates, and Gittere and Hughes failed to
15 remove this label even though he told them he was at risk for future attacks; (2) a due process
16 forced medication claim against Walsh and Hartman based on allegations they ordered the
17 administration of antipsychotic medications without a hearing; (3) an Eighth Amendment
18 excessive force claim against Walsh, Hartman, Fretis and Ralston based on allegations they used
19 unnecessary force when forcibly medicating Plaintiff and Walsh also ordered Plaintiff receive a
20 beatdown; (4) a retaliation claim against Walsh and Hartman based on allegations they placed
21 him in a segregated cell for using the grievance system; (5) a due process sex offender
22 classification claim against Walsh, Hartman, Hughes and Gittere based on allegations Walsh and
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1 Hartman secretly stated in Plaintiff's file that he molested children without notice or a hearing,
2 and when he asked Hughes and Gittere to remove it, they denied his requests. (ECF No. 11.)

3 The Attorney General's Office has entered a limited notice of appearance on behalf of
4 interested party NDOC for purposes of participating in the early mediation conference. (ECF No.
5 13.)

6 Plaintiff has since filed an emergency motion for preliminary injunction. (ECF No. 14.)

7 On or before **December 30, 2024**, the Attorney General's Office shall advise the court
8 whether it will also enter a limited notice of appearance on behalf of Defendants for the purpose
9 of responding to Plaintiff's motion for preliminary injunction. If the Attorney General's Office is
10 willing to enter a limited notice of appearance, then also by **December 30, 2024**, the Attorney
11 General's Office shall file a response to Plaintiff's emergency motion for preliminary injunction.
12 Plaintiff has up to and including **January 6, 2025**, to file a reply brief. The court will then
13 determine whether to hold a hearing.

14 Plaintiff is advised that there is still a stay entered in this case while the parties participate
15 in the court's early mediation program. As such, Plaintiff shall not file any other documents with
16 the court while the stay is in place except for his reply brief as directed in this Order.

17 **IT IS SO ORDERED.**

18 Dated: December 16, 2024

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20 Craig S. Denney
21 United States Magistrate Judge
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